HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI C.V.NAGARJUNA REDDY

Writ Appeal No.1229 of 2006

Between:

G.Venkatappa Reddy … Appellant

AND

The Colllector and District Magistrate,
Guntur … Respondents

:: JUDGMENT ::

Counsel for the appellant : Smt.S.Nanda

Counsel for respondent No.1 : Government Pleader for Revenue

Counsel for respondent No.2 : Government Pleader for Panchayat Raj

Counsel for respondent No.3&4 : Government Pleader for Irrigation

20-11-2006

Per G.S.Singhvi, CJ

This is an appeal for setting aside order dated 12.10.2006 passed by the learned Single Judge whereby he dismissed WPMP No.26851

of 2006.

We have heard the learned counsel for the appellant and the learned Assistant Government Pleader for Irrigation and perused the record. In WPMP No.26851 of 2006, the appellant made a prayer for permission to file additional affidavit in the writ petition. For the sake of reference, the prayer made in the miscellaneous petition is reproduced below:

> "For the reasons stated above, it is prayed that this Honourable Court may be pleased to permit the petitioner to file additional affidavit in W.P.No.20432 of 2006 and to pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case."

The learned Single Judge dismissed the application by recording the following order:

> "Unless the writ petition itself is disposed of, no relief as sought for in this petition cannot be granted. Hence, this petition is dismissed."

It appears to us that the learned Single Judge rejected the appellant's prayer under a mistaken impression that the application filed by the appellant was for grant of stay, though, as a matter of fact, he had merely prayed for taking on record the additional affidavit and documents. In our opinion, dismissal of WPMP No.26851 of 2006 is vitiated by an error apparent on the face of the record because the order under challenge has no correlation with the prayer made in WPMP No.26851 of 2006, which, as mentioned above, was filed by the appellant for placing on record the additional affidavit.

For the reason stated above, the appeal is allowed and the order of the learned Single Judge is set aside. As a sequel to this, W.P.M.P. No.26851 of 2006 is allowed and the additional affidavit filed by the appellant is taken on record.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

20.11.2006.

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